

REMARKS

In an office action mailed June 9, 2003, claims 1-18 and 21-42 have been rejected. In response, Applicants have cancelled claims 1-18 and 21-42, added new claims 43-68 and provide the herein remarks. Presently, claims 43-68 are pending in the application. Reconsideration is respectfully requested.

Support For New Claims

New claims 43-50 are directed to a meat brine comprising a salt stable starch, wherein said starch is a non-cereal starch comprising at least 95% of amylopectin. Support can be found in original claim 18 and page 5, lines 32-33 of the specification.

New claims 51-66 are directed to a meat or meat product wherein the meat or meat product comprises a salt stable starch, wherein said starch is a non-cereal starch comprising at least 95% of amylopectin. Support can be found in original claim 18 and page 5, lines 32-33 of the specification.

New claim 67 is directed to a method for preparing a meat or meat product wherein the meat or meat product comprises a salt stable starch, wherein said starch is a non-cereal starch comprising at least 95% of amylopectin. Support can be found on page 12, lines 11-15 of the specification.

New claim 68 is directed to a method for retaining water in a meat or meat product wherein the meat or meat product comprises a salt stable starch, wherein said starch is a non-cereal starch comprising at least 95% of amylopectin. Support can be found on page 12, lines 11-15, and page 15, lines 29-34 of the specification.

Rejections Under 35 U.S.C. §112

In the office action, claims 2, 7, 9, 11, 12, 14, 16, 11, 22, 28, 29, 22, 35, 36, 38 and 40 have been rejected under §112, second paragraph as being indefinite.

Claim 2 has been rejected for reciting the term “improved,” which allegedly renders the claim indefinite. In response, Applicants have cancelled claim 2. New claims 43-68 do not contain the term “improved.”

Claims 7 and 29 have been rejected for reciting the term “stabilised.” Firstly, the Examiner has requested that the term be spelled according to U.S. practice, i.e. “stabilized.” In response Applicants have spelled the term as “stabilized” in the new claims.

Secondly, the Examiner contends that the term “stabilized” is not defined by the claims and the specification allegedly does not provide the requisite degree, manner, or against what, the starch is stabilized. In response, Applicants have cancelled claims 7 and 29 and added new claims that recite a starch having been stabilized by one of hydroxyalkylation, carboxymethylation, hydroxypropylation, hydroxybutylation, hydroxyethylation, and/or acetylation.

Claims 9, 12, 14, 16, 33, 36, 38, and 40 have been rejected as being vague for reciting the phrases “preferably” and “more preferably.” In response, Applicants have cancelled the rejected claims and added new claims that do not recite such phrases.

Claims 21 and 28 have been rejected for stating that the starch is “phosphorus oxytrichloride or sodium trimetaphosphate.” Applicants thank Examiner Hendricks for

bringing this inconsistency to their attention. In response Applicants have cancelled claims 21 and 28 and added new claims in which “phosphorus oxytrichloride or sodium trimetaphosphate” are recited as agents used to cross-link the starch.

Claims 21 and 22 have been rejected for reciting improper Markush-type language. In response, Applicants have cancelled claims 21 and 22 and presented new claims that no longer recite improper Markush language.

Examiner Hendricks has also pointed Applicants to some minor spelling corrections that needed attention. Applicants are grateful for Examiner Hendricks doing so. In response, the term “trimetaphosphate” has been spelled correctly in the claims. In addition, “sodium monoglutamate” has been recited as the more commonly accepted term “monosodium glutamate.”

Rejections Under 35 U.S.C. §102(b)

In the office action, claims 1-5, 7, 9, 10, 22-26, 29, 30 and 32-34 have been rejected under §102(b) as being anticipated by U.S. Patent No. 5,192,576 to Chang et al. According to the Examiner, Chang et al. disclose a thick-thin retort starch that is an oxidized, hydroxyalkylated starch made from a waxy root starch such as potato.

In the interest of moving the application towards allowance, Applicants have cancelled the previously pending claims and added new claims 43-68 that are directed to meat brine.

Specifically, claim 43-50 have been added that are directed to a meat brine comprising a salt stable starch, wherein the starch is a non-cereal starch comprising at least 95% of amylopectin. Claims 51-66 have also been added that recite a meat or meat product comprising said meat brine and claim 67 directed to a method of preparing such a meat or meat product. New claim 68, directed to a method for retaining water in a meat or meat product, has also been added.

Chang et al. do not disclose a meat brine, meat or meat product, method for preparing a meat or meat product, or method for retaining water in a meat or meat product according to the present invention. Accordingly, Applicants respectfully request that the rejection based on Chang et al. be reconsidered and withdrawn.

Claims 1-7, 9-10, 12-18, 21-30, 32-34 and 36-42 have been rejected under §102(b) as being anticipated by EP 0896868 to Jeffcoat et al. According to the Examiner, Jeffcoat et al. disclose a stabilized, crosslinked, hydroxypropylated waxy potato starch that may be used in a number of food products.

As discussed above, the pending claims have been rejected and new claims have been added that are directed to meat brines and methods of preparing and using the same.

It is the Examiner's position that chicken broth (which is disclosed in Example 13 of Jeffcoat et al.) meets the limitations of claims 18 and 42 of the present application. Applicants respectfully disagree.

Meat brine, as defined by the specification, is, in general, not intended for primary consumption. See page 11, lines 14-16. Rather, meat brine is, in general, used to improve

the texture of a meat product.. See page 11, lines 17-18. Chicken broth on the other hand, is intended for primary consumption and is not used to improve the texture of meat.

Jeffcoat et al. do not disclose a meat brine, meat or meat product, method for preparing a meat or meat product, or method for retaining water in a meat or meat product according to the present invention. Accordingly, Applicants respectfully request that the rejection based on Jeffcoat et al. be reconsidered and withdrawn.

In the office action, claims 1-8, 16, 17, 21, 23-29, 31-32, and 40-41 have been rejected under §102(b) as being anticipated by U.S. Patent No. 4,228,199. According to the Examiner, Chiu et al. disclose a dried, stabilized, cross-linked, pre-gelled potato starch.

Chiu et al. do not disclose a meat brine, meat or meat product, method for preparing a meat or meat product, or method for retaining water in a meat or meat product according to the present invention. Accordingly, Applicants respectfully request that the rejection based on Chiu et al. be reconsidered and withdrawn.

Claims 1-6, 9-15, 23-27 and 32-39 have been rejected under §102(b) as being anticipated by U.S. Patent No. 4,612,197 to Postner. According to the Examiner, Postner discloses a sauce enhancer which comprises cream, egg yolk and a fat component that may optionally be mixed with a thickener, e.g. slightly crosslinked potato starches.

Postner does not disclose a meat brine, meat or meat product, method for preparing a meat or meat product, or method for retaining water in a meat or meat product according to the present invention. Accordingly, Applicants respectfully request that the rejection based on Postner be reconsidered and withdrawn.

It is now believed that the application is in condition for allowance. If the Examiner has any questions or comments relating to the present application, he is respectfully invited to contact Applicant's attorney at the telephone number set forth below.

Respectfully submitted,



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